

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

January 12, 2015

## AGENDA

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### CALL TO ORDER

Business Meeting, Monday, January 12, 2015, 8:30 a.m., 630 Camp Street, New Orleans, 5<sup>th</sup> Floor.

Oral Arguments, Investigative Matter, Monday, January 12, 2015, 2:00 pm.<sup>1</sup>

Personal Appearances, Monday, January 12, 2015, 1:00 p.m.

### PUBLIC SESSION

#### 1. MINUTES/PRIOR MEETINGS/CONFERENCES

Approval of minutes of last meeting.

Status report on action items of prior Board meetings.

Report on assignments to counsel.

#### 2. RULINGS AND ADVISORY OPINIONS

None this month.

#### 3. COMMUNICATIONS AND INFORMATION

The Optometric Society.

Integrative and Complementary Medicine Committee

#### 4. GENERAL ADMINISTRATIVE MATTERS<sup>1</sup>

Financial Report; Travel Authorization.

President's Report.

Executive Director's Report.

Physician Assistants Advisory Committee; Appointments.

HCR No. 99; 2014 Legislative Session; Report Relative to Over-Prescribing.

Draft Statement of Position, Medical Records of Physician Upon Departure From a Group/Practice.

LA Board of Pharmacy; Emergency Rules; Compounding.

FSMB Annual Meeting; Voting Delegate.

#### 5. RULES AND REGULATIONS

**Final Rules/Amendments:** None published since the last meeting of the Board.

**Rules/Amendments: Noticed for Intent Physicians and Surgeons –**

**Collaborating Physicians:** The Board expressed a desire to consider the development of rules relative to physicians who collaborate with advanced practice registered nurses. A draft was prepared by staff for initial review and consideration at its October 2013 meeting. A revised draft incorporating comments and suggestions was considered by the Board at its December 2013 meeting. Following review and consideration, the Board elected to preview the draft to several professional organizations (LSMS, LMA, and LAFP) and the Louisiana State Board of Nursing. Revised drafts (annotated/clean) incorporating certain suggestions were reviewed by the Board at its March 2014 meeting at which time the Board voted to approve the draft pending receipt of additional suggestions. Additional revisions to the draft were offered by the Board during the May and June 2014 meeting. Following consideration and discussion of the latest revised draft at its June 2014 meeting, the Board voted to provide *Notice of Intent* to adopt the rules. Said *Notice of Intent* appeared in the August 2014 edition of the *Louisiana Register*. A number of written comments were received during comment period and a public hearing was held on September 24, 2014 to receive comments, views, arguments and data on the proposed rules. **Physicians and Surgeons – Unprofessional Conduct:** During its April 2013 meeting, the Board

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<sup>1</sup> Held in executive session pursuant to LSA-R.S. 42.6.1(A)(1),(4).

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expressed a desire to consider the development of rules correlating a physician representing himself or herself as a specialist in a particular field of practice with appropriate formal training in that field. Pursuant to the Board's direction, a draft of such rules is being prepared for initial review and consideration. The draft also includes a prohibition against a physician prescribing of controlled substances to one's self or immediate family members in the absence of an emergency. A draft was submitted for the Board's review at its August and September 2013 meetings. At its October 2013 meeting, the Board determined to defer that part of the proposed rule dealing with self-prescribing and to provide *Notice of Intent* to adopt the amendments on unprofessional conduct in the *Louisiana Register*. Prior to publication, additional information is being sought. Staff presented additional information concerning self/immediate family-prescribing of controlled substances at its June 2014 meeting. Following review and discussion, the Board elected to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. It is anticipated that such *Notice of Intent* will appear in the October 2014 edition of the *Louisiana Register*. At its December 2014 meeting, the Board considered the written comments in response to the *Notice of Intent*. Following review and discussion, the Board rejected some comments and decided to accept and address others by technical and substantive amendments. An annotated draft of the changes that will be sent to the *Register* is included for the Board's review. **Occupational Therapy:** The Occupational Therapy Advisory Committee has proposed a number of amendments to the Board's rules respecting occupational therapists. Following review by Board staff, and a number of revisions to conform the rules to the law, a revised draft was returned to the Committee Chair for review. Minor substantive suggestions for revision or modification have been received and incorporated into the draft. In sum the proposed amendments update the rules generally, insert additional language provided in the law, update definitions and practice standards, rearrange various provisions and delete others that are no longer needed. At the July 2014 meeting, a draft was presented for initial review and consideration. At its August 2014 meeting, the Board considered additional revisions suggested by staff, and, thereafter, elected to provide *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. At its December 2014 meeting, the Board considered the written comments in response to the *Notice of Intent* and elected to refer them to its OT Advisory Committee for input. **Physicians and Surgeons – Telemedicine:** Act 442 of the 2012 Legislative Session, which amended R.S. 37:1271 of the Medical Practice Act necessitates various changes to the Board's existing Telemedicine Rules. Preliminary suggestions were presented to the Board during its July 2014 meeting for consideration and discussion. A revised draft was presented for consideration and discussion at its August 2014 meeting, at which time the Board voted to provide *Notice of Intent* to adopt the amendments. A draft containing technical and one substantive change is presented for review and discussion. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. At its December 2014 meeting, the Board considered the written comments in response to the *Notice of Intent*. Following review and discussion, the Board rejected some comments and decided to accept and address others by technical and substantive amendments. An annotated draft of the changes that will be sent to the *Register* is included for the Board's review.

**Rules/Amendments under Development:** The following rules are under consideration by the Board. **Midwifery:** Attached for Board member consideration are amendments to the existing rules governing licensed midwife practitioners incorporating changes pursuant to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, updating the rules generally and rearranging sections for

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ease of reference. These amendments were presented last month for initial review and are presented for further action as the Board deems appropriate at this time. **Physician Assistants:** During the October 2014 meeting, the Board elected to undertake a rulemaking effort to remove the co-signature requirement for PA services from its existing rules and replace it with alternative methods of physician oversight (e.g., chart review) based on experience and changes in a PA's major area of practice. At its December 2014 meeting, the Board considered suggestions based on the discussions at its October 2014 meeting and direction from the President, along with separate suggestions offered by the Louisiana Academy of Physician Assistants ("LAPA"). Following discussion, including the input of the LAPA and the Chair of the PA Advisory Committee, the Board directed that further amendments be incorporated into the draft. Attached is the revised draft for Board member review and discussion.

## EXECUTIVE SESSION

1. **MALPRACTICE COMMITTEE REPORT**  
Professional liability reports.
2. **REPORTS INVESTIGATIONS/ADJUDICATIONS/LITIGATION**  
Investigation reports.  
Personal appearance schedule.
3. **LITIGATION**  
Reports on pending appeals/suits/petitions.
4. **ADJUDICATION REPORT**
5. **GENERAL DISCIPLINARY MATTERS**  
Review of requests for reinstatement to full, unrestricted status, off probation.  
Review of request for action due to non-compliance of the terms of a Board order.  
Review of request for a meeting to discuss areas of concern.
6. **LICENSURE AND CERTIFICATION**  
Clinical Laboratory Personnel, non-routine applicant.  
Advanced Practice - Surgical Treatment of the Ankle, applicant.  
**Graduates of International Medical Schools**  
Non-routine applicants.  
**Other Licensure Matters**  
Reinstatement/Relicensure non-routine applicant.  
Post-graduate training in relation to physician discipline.
7. **NEXT MEETING**  
Next meeting of the Board – February 9, 10, 2015.